

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.337 of 2017

Ashok Kumar, son of Dudheshwar Singh, resident of village Muzaffarpur, P.S. Agiaon, District Bhojpur

.... Petitioner/s

Versus

- 1 The State of Bihar
- 2. The Principal Secretary, Forest Department, Govt. of Bihar, Patna
- 3. The Divisional Forest Officer, Rohtas at Sasaram
- 4. The Forest Range Officer, Tilauthu, Rohtas at Sasaram

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 721 of 2017

1. Vijendra Kumar Vimal, Son of Dudheshwar Singh, resident of village - Chakiya, P.S. Paliganj, District Patna Presently Vill. Muzaffarpur, P.S. Agiaon, District - Bhojpur

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Principal Secretary, Forest Department, Govt. of Bihar, Patna
- 3. The Divisional Forest Officer, Rohtas at Sasaram
- 4. The Forest Range Officer, Tilauthu, Rohtas at Sasaram

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 740 of 2017

1. Ladum Singh, son of Badan Singh, Resident of Village - Lohradih, P.S. - Tilauthu, District - Rohtas.

.... Petitioner/s

Versus

- 1. The State of Bihar, through the Principal Secretary, Forest Department, Government of Bihar, Patna.
- 2. The District Magistrate, Rohtas at Sasaram.
- 3. The Divisional Forest Officer-cum-Authorized Officer, Rohtas Forest Division Sasaram, District - Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 815 of 2017

1. Ramjee Singh son of Ram Pyare Singh Resident of Village - Jogadih, Police Station - Tilauthu, District - Rohtas.

.... Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary, Forest Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Divisional Forest Officer-cum-Authorised Officer, Rothas Forest Division, Sasaram, District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 963 of 2017

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1. Ashok Kumar, Son of Dudheshwar Singh, resident of Village- Muzaffarpur, Post- Baruhi, Police Station- Sahar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Forest and Environment, Bihar, Patna.
2. The Divisional Forest Officer- cum - authorised officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forester Tilauthu, Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1001 of 2017

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1. Jagdish Chaurasiya Son of Late Nagina Chauraisya resident of village - Nari, Post - Baghi, Police Station - Sahar, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Forest and Environment, Bihar, Patna.
2. The Divisional Forest Officer-cum-authorised Officer, Rohtas, Forest Division, Rohtas at Sasaram.
3. The Forestor Tilauthu, Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1170 of 2017

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- Sonu Kumar Singh, son of Bipin Singh, R/o- Mohalla New Area, Ward No. 34 P.S. Sasaram, District Rohtas

.... Petitioner/s

Versus

- The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.



- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forester Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 1189 of 2017

Chandan Kumar son of Ramashray Singh, resident of village Jamuhar, P.S. Dehri, District Rohtas

.... Petitioner/s

Versus

- 1. The State of Bihar through the Principal Secretary Department of Forest and Environment, Bihar, Patna
- 2. The Divisional Forest Officer, Rohtas at Sasaram
- 3. The Forester Tilauthu, Rohtas

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 1191 of 2017

Sanjay Singh, son of Suryanath Singh, Resident of village Inarpatpur, P.O.+P.S. Piro, District Bhojpur

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
- 2. The Chief Conservator of Forest Bihar, Patna.
- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forester Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 1233 of 2017

Prem Lata Devi, wife of Ram Bachan Singh, resident of village Mishripur, Dhanpurwa, P.S. Sasaram, District Rohtas

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
- 2. The Chief Conservator of Forest Bihar, Patna.



- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1249 of 2017

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Ram Babu Singh, son of Shivbachan Singh resident of village Nayaka Gaon, P.S. Sasaram, District Rohtas

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
- 2. The Chief Conservator of Forest Bihar, Patna.
- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1255 of 2017

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Santosh Kumar Kumar, son of late Jay Narayan Singh R/o- Mohalla New Area, Sasaram, P.S. Sasaram, District Rohtas

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
- 2. The Chief Conservator of Forest Bihar, Patna.
- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1256 of 2017

=====

Saroj Kumar sonof Lal Bahadur Singh, Resident of village Dhanpurwa, P.S. Sasaram, District Rohtas



.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
- 2. The Chief Conservator of Forest Bihar, Patna.
- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1262 of 2017

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Sanjay Pandey son of Kapil Dev Pandey resident of mohalla Teacher’s colony, Dimna Road, Mango, Jamshedpur, P.S. Mango, District Singhbhoom, through power of attorney Holder : Rakesh Kumar Singh, son of Kashi Nath Singh, resident of village Raghunathpur, P.S. Karakat District Rohtas

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
- 2. The Chief Conservator of Forest Bihar, Patna.
- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1295 of 2017

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Sunil Kumar Singh son of Paras Singh, Resident of village Dhandah, P.S. Sasaram, District Rohtas

.... Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
- 2. The Chief Conservator of Forest Bihar, Patna.
- 3. The District Magistrate Rohtas, Sasaram.
- 4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
- 5. The District Forest Officer, Rohtas, Sasaram.
- 6. The Range Officer Sasaram Forest Area at Sasaram.
- 7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s



with

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Civil Writ Jurisdiction Case No. 1300 of 2017

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1. Pawan Kumar Singh S/o- Yamuna Singh R/o Village- Kanchanpur, P.S. - Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Area at Sasaram.
7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1306 of 2017

=====

1. Sunil Kumar S/o - Late Fagu Singh R/o Mohalla - Khilanganj, P.S. - Sasaram, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department, Government of Bihar, Patna.
2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer Cum Divisional Forest Officer, Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer, Sasaram Forest area at Sasaram.
7. The Forestor Tilauthu Cum Darigaon, Forest Circle District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1313 of 2017

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1. Raj Kumar Singh S/o - Binod Singh R/o Village - Bamhaur, P.S. - Sheosagar, District - Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department, Government of Bihar, Patna.



2. The Chief Conservator of Forest, Bihar, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. The Authorized Officer cum Divisional Forest Officer, Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Area at Sasaram.
7. The Forestor Tilauthu Cum Darigaon, Forest Circle District - Rohtas.

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 1322 of 2017

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Santosh Kumar son of Sudarshan Singh, resident of village Akashi, P.S. Sasaram
District Rohtas

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Forest Department Government of Bihar, Patna.
2. The Chief Conservator of Forest Bihar, Patna.
3. The District Magistrate Rohtas, Sasaram.
4. The Authorized officer Cum Divisional Forest Officer Rohtas, Sasaram.
5. The District Forest Officer, Rohtas, Sasaram.
6. The Range Officer Sasaram Forest Area at Sasaram.
7. The Forestor Tilauthu Cum Dariaon, Forest Circle District- Rohtas.

.... Respondent/s

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Appearance :

(In CWJC No. 337 of 2017)

For the Petitioner/s : Mr. Vipin Kumar Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha- GP21

(In CWJC No. 721 of 2017)

For the Petitioner/s : Mr. Vipin Kumar Singh, Adv.
For the Respondent/s : Mr. Gajendra PD.Yadav-SC17

(In CWJC No. 740 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Chitranjan Sinha- PAAG2

(In CWJC No. 815 of 2017)

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.
For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)

(In CWJC No. 963 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Gajendra PD. Yadav- SC17

(In CWJC No. 1001 of 2017)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Anant PD. Singh- SC15

(In CWJC No. 1170 of 2017)

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Awanish Nandan Sinha-GP21

(In CWJC No. 1189 of 2017)



For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad-GP14
(In CWJC No. 1191 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Raghwanand -GA11
(In CWJC No. 1233 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Gajendra PD Yadav -SC17
(In CWJC No. 1249 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Sarvesh KR. Singh- AAG13
(In CWJC No. 1255 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Anant PD. Singh- SC15
(In CWJC No. 1256 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad-GP14
(In CWJC No. 1262 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)
(In CWJC No. 1295 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Sarvesh KR Singh -AAG13
(In CWJC No. 1300 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Sarvesh Kr.Singh-AAG13
(In CWJC No. 1306 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Dhurjati Kr. Prasad- GP14
(In CWJC No. 1313 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Gajendra PD.Yadav-SC17
(In CWJC No. 1322 of 2017)
For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
For the Respondent/s : Mr. Raghwanand-GA11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 03-02-2017

In C.W.J.C.No.1249 of 2017 counter affidavit is being filed.

Let it be kept on record.

Learned counsel for the petitioners and the learned counsel for the State are present and have been heard in these cases.

In each of these cases the vehicles of the petitioners have been



seized on alleged charge of transportation of illegally mined forest produce. Following the seizure, confiscation case has been registered against the petitioner(s) under the provisions of the Indian Forest Act 1927 and is stated to be pending before the Authorized Officer-cum-Divisional Forest Office, Rohtas at Sasaram.

The grievance of the petitioners in these writ petitions is, that while the confiscation proceeding drawn against them has remained pending with the Authorized Officer- cum- Divisional Forest Officer, the vehicles so seized in the proceeding are facing vagaries of the weather and is liable to turn obsolete. The prayer of the petitioners in these writ petitions is for appropriate direction to the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram to consider the prayer of the petitioners for provisional release of their seized vehicles pending disposal of the confiscation proceeding.

Having heard the learned counsel for the parties and considering the nature of relief prayed in the present writ petitions, I deem it fit and proper to dispose of these writ petitions with a direction to the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram to consider the grievance of the petitioners herein and take appropriate steps to finally dispose of the confiscation proceeding drawn against them in accordance with law and after opportunity of hearing to the petitioners, expeditiously and preferably



within a period of three months from the date of receipt/ production of a copy of this order. In case the Authorized Officer- cum- Divisional Forest Officer, Rohtas at Sasaram is not able to dispose of the confiscation proceeding within the period stipulated, for reasons not attributable to the petitioners, then he shall consider their individual application for provisional release of their vehicles in question, which is subject matter of the confiscation proceeding and dispose of the same within a maximum period of four weeks thereafter bearing in mind the law laid down by the Apex Court as well as this Court in connection with provisional release of seized vehicle.

With the aforementioned observation and direction, these writ applications are disposed of.

(Jyoti Saran, J)

Bibhash/-

NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2017
Transmission Date	NA

